LISTING OF CLAIMS:

1. (Currently Amended) An apparatus for forming a lumen from within an hollow body organ, comprising:

a tissue positioning device ~~defining at least~~ having a first opening in a first region for releasably adhering a first area of tissue and ~~at least~~ a second opening in a second region for releasably adhering a second area of tissue thereto, the first and second openings being separated by a septum;

at least one fastener housed within the device ~~and adapted to be deployed such that the first area of tissue is secured to the second area of tissue via the fastener~~; and

wherein the septum being removable from between the first and second openings to allow the at least one fastener to be deployed such that the first area of tissue is secured to the second area of tissue via the fastener. ~~a septum removably positionable between the first region and the second region.~~

2. (Original) The apparatus of claim 1 wherein the tissue positioning device defines a slot within which the septum is positionable.

3. (Original) The apparatus of claim 1 wherein the tissue positioning device defines a plurality of additional regions for adhering additional tissue thereto.

4. (Original) The apparatus of claim 1 wherein the first region and the second region are adjacently located.

5. (Original) The apparatus of claim 1 wherein the first area of tissue and the second area of tissue are adhered to the tissue positioning device via a vacuum created in the first region and the second region.

6. (Original) The apparatus of claim 5 wherein the first region and the second region are in fluid communication with a common channel defined within the tissue positioning device.

7. (Original) The apparatus of claim 6 wherein the common channel is separated via the septum.

8. (Original) The apparatus of claim 1 further comprising a plurality of additional fasteners housed within the device.

9. (Original) The apparatus of claim 1 wherein the fastener comprises a staple.

10. (Original) The apparatus of claim 1 wherein the septum is longitudinally positioned in the tissue positioning device.

11. (Original) The apparatus of claim 10 wherein the septum defines at least one surface adapted to abrade adjacent tissue.

12. (Original) The apparatus of claim 11 wherein the septum is adapted to abrade using a method selected from the group consisting of cutting, scoring, heating, freezing, and chemical ablation.

Claims 13-30 (Cancel)

31. (New) An apparatus for forming a lumen from within an hollow body organ, comprising:

a tissue positioning device defining a first port for releasably adhering a first area of tissue and a second port for releasably adhering a second area of tissue thereto;

at least one fastener housed within the device and adapted to be deployed such that the first area of tissue is secured to the second area of tissue via the fastener; and

a septum positioned between the first port and the second port, wherein the septum is removed to allow the first area of tissue to be secured to the second area of tissue via the fastener.

32. (New) The apparatus of claim 31 wherein the tissue positioning device defines a slot within which the septum is positionable.

33. (New) The apparatus of claim 31 wherein the tissue positioning device defines a plurality of additional ports for adhering additional tissue thereto.

34. (New) The apparatus of claim 31 wherein the first port and the second port are adjacently located.

35. (New) The apparatus of claim 31 wherein the first area of tissue and the second area of tissue are adhered to the tissue positioning device via a vacuum created in the first port and the second port.

36. (New) The apparatus of claim 35 wherein the first port and the second port are in fluid communication with a common channel defined within the tissue positioning device.

37. (New) The apparatus of claim 36 wherein the common channel is separated by the septum.

38. (New) The apparatus of claim 31 further comprising a plurality of additional fasteners housed within the device.

39. (New) The apparatus of claim 31 wherein the fastener comprises a staple.

40. (New) The apparatus of claim 31 wherein the septum is longitudinally positioned in the tissue positioning device.

41. (New) The apparatus of claim 40 wherein the septum defines at least one surface adapted to abrade adjacent tissue.

42. (New) The apparatus of claim 41 wherein the septum is adapted to abrade using a method selected from the group consisting of cutting, scoring, heating, freezing, and chemical ablation.